



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

September 29, 2023

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Willie Thompson**
Tax Registry No. 958120
30 Precinct Detective Squad
Disciplinary Case No. 2021-24396

The above named member of the service appeared before Assistant Deputy Commissioner Jeff S. Adler on December 12, 2022, and was charged with the following:

DISCIPLINARY CASE NO. 2021-24396

1. Said Police Officer Willie Thompson, while assigned to the 30 Precinct Detective Squad, on or about and between May 25, 2021 and September 23, 2021, wrongfully engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer Willie Thompson engaged in a sexual relationship with a witness on a case in which he was the investigating officer.

(As amended)

P.G. 203-10, Page 1, Paragraph 5
A.G. 304-06, Page 1, Paragraph 1

**PUBLIC CONTACT—
PROHIBITED CONDUCT**

2. Said Police Officer Willie Thompson, while assigned to the 30 Precinct Detective Squad, on or about September 28, 2021, wrongfully engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer Willie Thompson stated in sum and substance to a witness with whom he engaged in a sexual relationship, “You’re the reason I’m under investigation and some officers from the precinct are going to come to your house and talk to you.” *(As added)*

A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

3. Said Police Officer Willie Thompson, while assigned to the 30 Precinct Detective Squad, on or about September 22, 2021, wrongfully engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department by intentionally making a false official statement to an Assistant District Attorney. *(As added)*

A.G. 304-10, Page 1, Paragraph 1

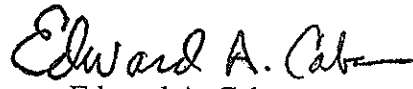
**FALSE OR MISLEADING
STATEMENTS
PROHIBITED CONDUCT**

A.G. 304-06, Page 1, Paragraph 1

In a Memorandum dated January 19, 2023, Assistant Deputy Commissioner Jeff S. Adler found Police Officer Willie Thompson guilty of Specification Nos. 1 and 2 (Police Officer Thompson entered a plea of guilty to Specification No. 1), and not guilty of Specification No. 3, in Disciplinary Case No. 2021-24396. Having read the Memorandum and analyzed the facts of this matter, I approve of the findings, but disapprove the penalty.

After reviewing the facts and circumstances of this matter, I have determined that while a severe penalty is warranted for the misconduct, separation from the Department is not necessary. In this case, Police Officer Willie Thompson engaged in an improper sexual relationship with a witness on a pending case where he was the case investigator and later communicated with her once he became aware of the investigation into his conduct. Due to the seriousness of the misconduct in this matter, in addition to the forfeiture of vacation days, a period of close monitoring is warranted.

Therefore, Police Officer Willie Thompson shall forfeit thirty (30) vacation days and be placed on one (1) year dismissal probation, as a disciplinary penalty.


Edward A. Caban
Police Commissioner

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POLICE DEPARTMENT

January 19, 2023

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In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2021-24396
Police Officer Willie Thompson	:	
Tax Registry No. 958120	:	
30 Precinct Detective Squad	:	

-----X

At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Stephanie McCarthy, Esq.
Department Advocate's Office
One Police Plaza, Room 402
New York, NY 10038

For the Respondent: Marissa Gillespie, Esq.
Karasyk & Moschella, LLP
233 Broadway, Suite 2340
New York, NY 10279

To:

HONORABLE KEECHANT L. SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

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A.G. 304-10, Page 1, Para. 1

FALSE OR MISLEADING
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A.G. 304-06, Page 1, Para. 1

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on December 12, 2022. Respondent, through his counsel, entered a plea of Guilty to Specification 1 and Not Guilty to Specifications 2 and 3. The Department called New York County Assistant District Attorney Yuval Simchi-Levi as a witness. Respondent called Sergeant Christopher Mahady, and testified on his own behalf. A stenographic transcript of the trial record has been prepared and is

available for the Police Commissioner's review. Having evaluated all of the evidence in this matter, I find as follows:

Specification 1 (sexual relationship with witness): Pleaded Guilty

Specification 2 (threat to witness): Guilty

Specification 3 (false official statement): Not Guilty

Recommended penalty: Dismissed from the Department.

ANALYSIS

In May of 2021, Respondent was assigned to investigate a gunpoint robbery of a motor vehicle in Manhattan. There were two individuals inside the vehicle at the start of the incident: the driver ("the driver") and a passenger ("the complainant"). One of the two perpetrators initially became involved in a verbal altercation with the driver. As this was happening, the complainant ran from the car, called 911, and went to the precinct to report the incident. One of the perpetrators pointed a firearm at the driver, and drove away in the driver's vehicle. Two alleged perpetrators were subsequently indicted, and their cases are scheduled for trial in the spring of 2023.

In this disciplinary matter, Respondent has pleaded guilty to twice having sexual relations with the complainant, who was a witness to part of the incident. He also faces two additional charges: for having an inappropriate conversation with the complainant after their sexual encounters came to the attention of the District Attorney's Office, and for making a false official statement to a Manhattan Assistant District Attorney ("ADA") in which he initially denied having a sexual relationship with the complainant; Respondent is contesting these two charges.

ADA Yuval Simchi-Levi, who initially was handling the criminal prosecution of this matter, testified that in May 2021, the complainant and the driver each identified the alleged perpetrators in photo arrays. Simchi-Levi noted that it was possible that the complainant had known one of the perpetrators prior to the incident, and that the identification was merely confirmatory; the ADA did not see anything to suggest that the driver had told the complainant who to identify. In late July, the complainant, the driver, and Respondent appeared together at the office of the ADA, and both the driver and Respondent testified before the Grand Jury, but the complainant did not. (Tr. 29-32, 58-60)

In late August or early September 2021, the complainant appeared at the ADA's office in connection with a separate domestic violence case; Respondent was not the investigator for that case, but he was present and drove the complainant home after the meeting. Simchi-Levi testified that he observed the complainant and Respondent behaving in a "flirtatious" manner toward each other, laughing and whispering and showing each other messages on their phones. (Tr. 32-34, 61)

According to Simchi-Levi, both the complainant and Respondent were scheduled to meet with him in his office on September 14, 2021. That morning, Simchi-Levi spoke with Respondent, who informed the ADA not to expect the complainant to appear; he also warned the ADA that when she is upset, the complainant may exaggerate things. Simchi-Levi also received text messages from the complainant that same morning in which she claimed that Respondent "did something he wasn't supposed to do," and that as a result, she felt unsafe. She described Respondent as "manipulating" and "crooked." (Dept. Ex. 1) Simchi-Levi called the complainant and asked her to come to his office. She did so, and explained to him that she and Respondent had been involved in a sexual relationship that began after their meeting at the ADA's office in

late July, and that they had been meeting each other several times per week, going out for meals together. Simchi-Levi also testified that according to the complainant, Respondent had told her that if she tried to disclose their relationship, no one would believe her. (Tr. 35-44, 59-64)

On September 22, 2021, after consulting with supervisors, the ADA called Respondent to give him a chance to respond. Simchi-Levi testified that Respondent stated that the allegation of a sexual relationship was “not true.” Respondent also asked the ADA for an idea as to what would happen next, and how the allegation might impact him. The next day, an attorney for Respondent contacted the Police Accountability Unit to inform the DA’s Office that Respondent would be correcting his statement. That night, Respondent called Simchi-Levi to retract his answer; the ADA asked him to call him back the following day, September 24. Respondent did so, and stated that he had, in fact, been in a relationship with the complainant; on the advice of his counsel, he would not further characterize the precise nature of that relationship. Respondent also explained to the ADA that the reason he was not more forthcoming during their initial conversation was because he was with his family when the ADA called, and he was not expecting that question. (Tr. 45-52, 65-70)

Approximately one week later, the complainant called the ADA to tell him that she had seen Respondent inside a bodega. Simchi-Levi testified that the complainant stated that Respondent had said to her that this was all happening because of her, and that police officers from the precinct would be coming to her home. The complainant, who sounded upset and concerned, asked Simchi-Levi if she was now under investigation for committing a crime. (Tr. 52-53)

Based on what he had learned, Simchi-Levi prepared a “Garrett letter” for the attorneys of the defendants in the robbery case, disclosing the allegation of a sexual relationship between

Respondent and the complainant, as well as how Respondent initially denied the relationship before correcting his answer to the ADA. (Dept. Ex. 9) Simchi-Levi testified that this information would not “kill the case,” but that it would be an issue. He anticipated the defense attorneys would argue at trial that the identifications and testimony of the complainant was tainted by the sexual relationship between the complainant and Respondent, the investigating/arresting officer. Simchi-Levi, himself, was removed from the prosecution of the criminal case, which is now being handled by a colleague. (Tr. 48-49, 53-56, 70-71)

Sergeant Christopher Mahady was called as a witness for Respondent. He testified that in September 2021, he was assigned to investigate allegations against Respondent regarding his relationship with the complainant. He left multiple messages with the complainant, but she did not respond. On December 22, 2021, Mahady conducted an official Department interview with Respondent, during which Respondent was forthcoming about his relationship with the complainant. (Tr. 80-81)

Respondent testified that from his investigation into the carjacking case, he learned that the complainant had witnessed the initial verbal dispute, but fled before one of the perpetrators displayed a firearm. He considered the complainant to be a “peripheral witness,” who he did not view as useful for the criminal trial. He also believed that the identification done by the complainant may have been tainted by a conversation she had with the driver. (Tr. 97-100, 118-22)

In July 2021, the two alleged perpetrators were arrested. Respondent and the complainant exchanged numbers, and Respondent told her to contact him if she needed anything. Respondent testified that up until that point, he had not been involved in a romantic relationship with the complainant. In September 2021, the complainant called or texted him asking to hang

out. They met at a hotel and had sexual relations that same day. Later that week, they met at the same hotel and had sex again. According to Respondent, he informed the complainant that he had a family, and after that date, he and the complainant had no further contact. Respondent denied meeting up with her at a bodega on September 28, 2021. He never tried to threaten or intimidate the complainant by telling her that she was to blame for their relationship coming to light, and that the police were going to come question her about it. Respondent testified that he now realizes it was wrong for him to be involved in that relationship with the complainant. (Tr. 99-107, 114-15, 121-25, 134-37, 140-41)

When ADA Simchi-Levi called him on his day-off on September 22, 2021, Respondent was with his girlfriend and two kids. Respondent testified that he was surprised when he was asked about having a sexual relationship with the complainant, and told the ADA that the allegation was not true. That same day he called his delegate, and the following day he spoke with PBA attorney Michael Martinez, who told Respondent that he would contact the DA's Office to issue a retraction.¹ Respondent, himself, called ADA Simchi-Levi on the evening of September 23, and spoke with the ADA again the following day; Respondent admitted that he did have a relationship with the complainant, but on the advice of counsel, would not elaborate on the details of that relationship. Respondent testified that when he initially denied having a relationship with the complainant, he was not intending to make a false official statement to the ADA, but was merely caught off guard by the question. (Tr. 107-114, 125-32, 138-39)

¹ The parties stipulated that if called as a witness, PBA attorney Michael Martinez would have testified that on September 23, 2021, after receiving a call from Respondent's delegate, Martinez spoke with Respondent. Martinez then contacted the Police Accountability Unit and informed them that they should not rely on Respondent's original answer to the ADA, which Respondent would be correcting. (Tr. 143)

Specification 1 charges Respondent with wrongfully engaging in a sexual relationship with the complainant, who was a witness in a case in which Respondent was the investigating officer. Respondent admitted his guilt on this charge, and I find him guilty of Specification 1. (1)

Specification 2 charges Respondent with wrongfully telling the complainant that she was the reason he was under investigation, and that police officers would be coming to her home to speak with her about their relationship. The complainant did not appear to testify, and so the Department Advocate relied upon the hearsay statement she made by phone to ADA Simchi-Levi regarding her encounter with Respondent at a bodega on or about September 28, 2021. It is well-settled that hearsay evidence is admissible in administrative proceedings, and may form the sole basis for a finding of fact. The hearsay, however, must be carefully evaluated to determine whether it is sufficiently reliable. It is preferable to have testimony from a live witness, where opposing counsel has the opportunity to cross examine, and the court can observe the witness's demeanor. In the absence of live testimony from the complainant here, this tribunal carefully considered her statement to Simchi-Levi in conjunction with the other evidence presented. (2)

There were a number of factors establishing the reliability of the hearsay statement. The complainant promptly reached out to the ADA in order to report what Respondent said to her. According to Simchi-Levi, the complainant sounded very upset when she called him to describe the conversation. Moreover, her encounter with Respondent occurred just one week after Respondent had been confronted about his relationship with the complainant by Simchi-Levi. After reviewing the circumstances surrounding the alleged conversation inside the bodega, I find that the credible evidence supports a finding that Respondent did make the statement in question.

Based on what Respondent said to her, the complainant, a potential witness in a carjacking trial, became concerned that she, herself, was being investigated for committing a

crime. Respondent's inappropriate statement to the complainant was contrary to the good order, efficiency, and discipline of the Department, and I find him Guilty of Specification 2.

Specification 3 charges Respondent with intentionally making a false official statement to an ADA. It is undisputed that during a phone conversation with ADA Simchi-Levi on September 22, 2021, Respondent denied having a sexual relationship with the complainant, which Respondent knew to be untrue. At issue is whether that statement, when considered in conjunction with Respondent's subsequent retraction, constitutes misconduct as a false official statement. (3)

According to the Disciplinary Guidelines, if an MOS makes a false statement, but then retracts that statement and substitutes a truthful statement during the same interview, a charge of "false statement" is not appropriate, provided that the retraction occurs before the statement has substantially affected the investigation, and the retraction is made before the MOS has reason to know that the falsehood has become known to the questioner. The Guidelines also note that the retraction may be considered effective if it occurs within 24 hours of the original false statement, after the MOS has had an opportunity to reflect and consult with counsel.

Here, Respondent's statement was made during a phone call with an ADA. This was not a situation where Respondent was formally interviewed, with counsel present, after receiving warnings as to the implications of his answers; had that been the case, Respondent would have had the opportunity to pause the interview and consult with his counsel about his answer to the question. Rather, he received a phone call from Simchi-Levi on September 22, his day off, and was asked about having a sexual relationship with the complainant. Respondent, who was with his girlfriend and young children at the time of the phone call, had no advance warning as to the

nature of what he was being asked. It was in this context that Respondent falsely denied having a sexual relationship with the complainant.

To his credit, Respondent promptly reached out to his delegate the same day, who put Respondent in touch with a PBA attorney, Michael Martinez. Martinez spoke with Respondent, then contacted the DA's Police Accountability Unit on September 23, to alert them that they should not rely on Respondent's initial statement, which he intended to correct. Respondent, himself, called Simchi-Levi that night, and spoke with the ADA again the following day, September 24; Respondent admitted to the ADA that he did have a relationship with the complainant, though on advice of counsel he declined to elaborate further on the precise nature of the relationship. There was no indication from the record that Respondent made this retraction only after learning that the ADA was aware of the falsehood.

To be sure, Respondent should have been truthful with the ADA from the outset. However, under these specific circumstances, I find that Respondent successfully retracted his initial false statement to Simchi-Levi in a timely manner. Accordingly, I find Respondent not guilty of Specification 3.

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum. Respondent has no formal disciplinary record, and has been awarded 15 medals.

Respondent, who was appointed to the Department on January 7, 2015, has been found guilty of wrongfully engaging in a sexual relationship with a witness, and making inappropriate statements to the witness after their relationship was discovered. The Department recommends that Respondent be dismissed from the Department, arguing that his misconduct constitutes conduct prejudicial to the good order and efficiency of the Department, and that the aggravated penalty of Termination is warranted. Counsel for Respondent asks for a lesser penalty, noting Respondent's otherwise strong record with the Department.

Respondent's behavior in this matter is deeply troubling, in a way that damages the reputation and integrity of the Department. He had multiple sexual encounters with a witness in a carjacking case, while the prosecution of that matter was still pending, making her feel unsafe. Respondent's attempt to minimize the severity of his misconduct, by describing the complainant as a "peripheral witness," was unpersuasive; the complainant observed the beginning of the altercation, ran to call 911, and subsequently identified the two alleged perpetrators.

One week after the sexual encounters came to light, Respondent compounded his misconduct by blaming the complainant, and telling her that the police would come to her home to question her. Not surprisingly, this conversation had an intimidating effect on the complainant, who became concerned that she, herself, was being investigated for committing a crime. ADA Simchi-Levi described the complainant as "very upset" when she promptly called the ADA to report her encounter with Respondent at the bodega. Those in need of assistance from the Department have every right to expect and demand the highest level of professionalism; Respondent's actions here ran completely counter to that standard.

Aside from the harm directly caused to the complainant by his egregious conduct and exceedingly poor judgment, Respondent has negatively impacted a pending armed robbery

prosecution by inexcusably choosing to engage in sexual encounters with a witness in the case.

Although a bail application stemming from Respondent's misconduct was denied, ADA Simchi-Levi, who needed to be removed from the case, testified that Respondent's actions had to be disclosed in a Garrett letter to the criminal defense attorneys, which may create problematic credibility issues for the upcoming criminal trial. Moreover, because of his behavior, Respondent has irreparably compromised his ability to handle police investigations in the future.

Under the circumstances presented here, the aggravated penalty of Termination is warranted. Taking into account the totality of the facts and issues in this matter, I recommend that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials

DISAPPROVED

SEP 29 2023

EDWARD A. CABAN
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER WILLIE THOMPSON
TAX REGISTRY NO. 958120
DISCIPLINARY CASE NO. 2021-24396

Respondent was appointed to the Department on January 7, 2015. On his three most recent performance evaluations, he received a 4.0 rating of “Highly Competent” in 2021, and was rated “Exceptional” for 2019 and “Exceeds Expectations” for 2018. He has been awarded three medals for Meritorious Police Duty and 12 medals for Excellent Police Duty.

Respondent has no formal disciplinary history. In connection with the instant matter, he was placed on Level 1 Discipline Monitoring in June 2022; monitoring remains ongoing.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials